

34

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:	
<u>April 22, 2002</u> Date	<u>Ken Kelly</u> Signature



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
JIHONG LIANG
DILIP MAGANLAL SHAH
YONNIE S. WU
CINDY A. ROSENBERGER
SALIM HAKIMI

Group Art Unit: 1638

Examiner:

Atty. Dkt. No.: MOBT:0193--2/DOS

Serial No.: 10/010,731

Filed: November 13, 2001

For: ANTIFUNGAL POLYPEPTIDE FROM
ALFALFA AND METHODS FOR
CONTROLLING PLANT PATHOGENIC
FUNGI

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents were previously submitted in the parent applications 09/003,198 and 08/766,355.

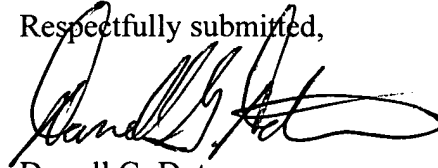
In accordance with 37 C.F.R §§ 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R § 1.97(b). The Commissioner is authorized to charge all fees in connection with the filing of this Information Disclosure Statement and Form PTO-1449 to Deposit Account No. 01-2508/11899.0193.DVUS02. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/11899.0193.DVUS02.

This application is a divisional of Serial No. 09/003,198, filed January 7, 1998, which was a divisional application of Serial No. 08/766,355, filed on December 13, 1996, and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d), only copies of those documents not previously cited and submitted to the Patent and Trademark Office in prior applications would be enclosed for the convenience of the Examiner. Thus no references are enclosed at this time. However, if lacking copies of any of the listed references, the Examiner is invited to telephone the undersigned representative and copies will be provided.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Darrell G. Dotson', written over the typed name.

Darrell G. Dotson
Re. No. 44,661
Attorney for Applicants

HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400

Date: April 22, 2002